

Remarks

Claims 1-14 were noted in the aforesaid Office Action as pending in the application. Claims 6-11 and 13 have been canceled, and no new claim has been added, leaving claims 1-5, 12 and 14 in the case.

Claims 1-5 and 14 stand rejected under 35 U.S.C. 103(a) as unpatentable over USP 5,911,732 - Hojeibane in view of USP 5,755,778 - Kleshinski, with reference to USP 4,733,665 - Palmaz.

Claim 12 stands rejected under 35 U.S.C. 103(a) as unpatentable over Hojeibane in view of Kleshinski and USP 6,210,432 - Solem et al.

Claims 1, 12 and 14 have been amended to make clear that the proximal and distal end sections of the apparatus (Fig. 11) are hollow and elongated cylindrically shaped rigid tubes having barbs extending along the length thereof.

It appears that in Hojeibane the end sections are expandable radially outwardly. Similarly, in Kleshinski the end sections (collars 14, 16) are expandable though they are said to be "more rigid" than the fabric (24). Palmaz does not appear to have tubular end sections distinct from spring units. Solem also appears to lack end sections distinct from spring units.

It is recognized that the term "rigid" does not appear per se in the specification. However, it is believed that the specification on pages 22 and 23, describing the embodiment shown in Fig. 11, makes evident that the end sections (405, 415) support barbs, and between the end sections are spring segments

(425). The last paragraph on page 22 describes how the body (400 - the whole apparatus) is positioned in a coronary sinus with spring sections extended, and then one or more spring sections are reconfigured into a contracted condition so that the distal and proximal end sections (405, 415) are drawn together, drawing barbs (410, 420) on the end sections closer together, to draw surrounding tissue.

On page 23, the spring sections are described as formed of "resilient material" and serve to draw the end sections 405, 415 together.

It thus appears upon reading of the specification, that the spring sections serve as "movers", while the end sections serve as supports for barbs. The movement apparatus is clearly the spring sections. The end sections are not described as expandable or contractable, but merely as supports for barbs.

In view thereof, it appears that the end sections can be specified in the claims as "rigid" and that the rigid end sections distinguish from the art cited.

Claims 2-5 depend directly or ultimately from claim 1 and would appear to be allowable, at least through dependency.

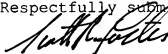
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Accordingly, allowance of claims 1-5, 12 and 14 is respectfully requested.

In the event that any fees may be required in this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,



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